

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1269

Introduced by Senator Oropeza

February 19, 2010

~~An act relating to liability.~~ *An act to add Section 12177.5 to the Government Code, relating to liability.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1269, as amended, Oropeza. ~~Social host liability: furnishing alcohol to underage persons.~~ *Food donation liability: Secretary of State.*

Existing law, with specified exceptions, exempts a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank from liability for any damage or injury resulting from the consumption of the donated food. Existing law also exempts from liability any person who donates any agricultural product, as provided. Existing federal law also contains specified exemptions from liability for the donation of apparently fit grocery products to a nonprofit organization.

Under existing law every corporation and limited liability company must annually file with the Secretary of State a form containing a statement of information, as provided, and the Secretary of State must mail a notice for compliance with these provisions approximately 3 months prior to the close of the applicable filing period.

This bill would require the Secretary of State to include a copy of certain state and federal statutory exemptions from liability for the donation of food to a nonprofit corporation when he or she mails the notice for compliance.

~~Existing law provides that everyone is responsible for the result of willful acts and for injury to another occasioned by his or her want of~~

ordinary care or skill in the management of his or her person or property, as specified. Under existing law, a social host who furnishes alcoholic beverages to any person may not be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3rd person, resulting from the consumption of those beverages.

~~This bill would state the intent of the Legislature to enact legislation to eliminate any exception from civil liability for damages or injury caused when an adult provides alcohol to a minor.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 12177.5 is added to the Government Code,*
2 *to read:*
3 *12177.5. A copy of Section 1714.25 of the Civil Code, Chapter*
4 *5 (commencing with Section 58501) of Part 1 of Division 21 of the*
5 *Food and Agricultural Code, Sections 114433 and 114434 of the*
6 *Health and Safety Code, and the Bill Emerson Good Samaritan*
7 *Food Donation Act (Section 1791 of Title 42 of the United States*
8 *Code) shall be included by the Secretary of State with the statement*
9 *of information reminder notice mailed in accordance with Sections*
10 *1502, 2117, 6210, 8210, 9660, 12570, and 17060 of the*
11 *Corporations Code and Section 14101.6 of the Financial Code.*
12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~legislation to eliminate any exception from civil liability for~~
14 ~~damages or injury caused when an adult provides alcohol to a~~
15 ~~minor.~~